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AUG 05 2005

Fax INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	Tracy Ann Vivlemore - Art Unit 1635	Client:	1372.133.PRC
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-2914	Date:	August 5, 2005
Re:	USSN 10/708,239	CC:	University of South Florida
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

Dear Examiner Ngo:

In response to the non-final office action mailed July 11, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated August 5, 2005 (1 page); and
- 2) Response to Election/Restriction Requirement with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated August 5, 2005 (2 pages).

Very respectfully,

Ronald E. Smith
 Reg. No. 28,761

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AUG 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/708,239	Confirmation No.: 2238
Applicant:	: William Douglas Cress, Jr.	
Filed:	: 02/18/2004	
Art Unit	: 1635	
Examiner	: Tracy Ann Vivlemore	
Docket No.	: 1372.133.PRC	
Customer No.	: 21,901	
For	: E2F1 RNA Inhibitor to Prevent Apoptosis	

Faxed to Technology Center 1600 at (571) 273-8300
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

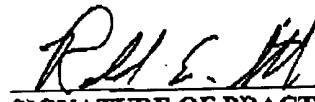
1. Transmitted herewith is a Response to Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.
 Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.



SIGNATURE OF PRACTITIONER

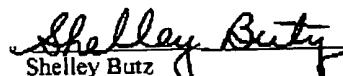
Ronald E. Smith
 Smith & Hopen, P.A.
 15950 Bay Vista Drive, Ste. 220
 Clearwater, FL 33760
 (727) 507-8558

Reg. No.: 28,761
 Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300 on August 5, 2005.

Dated: August 5, 2005



(Amendment Transmittal—page 1)

AUG 05 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/708,239	Confirmation No.: 2238
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Examiner	: Tracy Ann Vivlemore	
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For	: E2F1 RNA Inhibitor to Prevent Apoptosis	

Faxed to Technology Center 1600 at (571) 273-8300
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the nonfinal Examiner's Action mailed July 11, 2005, having a shortened statutory period for response set to expire August 11, 2005, the above-identified patent application is amended a first time as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute the claims drawn to a method of modulating apoptosis in a target cell population by regulating expression of E2F1, classified in class 514, subclass 44. The claims readable thereon are claims 1-5.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Ronald E. Smith
 Suite 220
 15950 Bay Vista Drive
 Clearwater, FL 33760
 (727) 507-8558
 Attorneys for Applicant

Dated: August 5, 2005

pc: University of South Florida

(Response to Restriction Requirement for USSSN: 10/708,239 - Page 1 of 2)

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this response is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300 on August 5, 2005.

Dated: August 5, 2005

Shelley Butz
Shelley Butz

(Response to Restriction Requirement for USSSN: 10/708.239 - Page 2 of 2)